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CC92-77

September 16, 1994

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

The Honorable Barbara A. Mikulski  
United States Senate  
709 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Mikulski:

Thank you for your letter on behalf of Charles F. Mades, Sheriff, Washington County Detention Center, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice seeks comment on this analysis and asks interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invites parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost.

The Further Notice also explicitly seeks comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice seeks additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also seeks comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

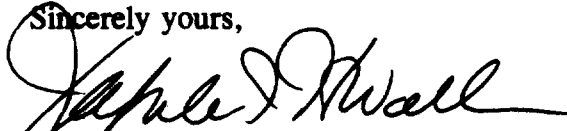
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The Honorable Barbara A. Mikulski  
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Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman  
Chief  
Common Carrier Bureau

Enclosures

BARBARA A. MIKULSKI  
MARYLAND

COMMITTEES:

APPROPRIATIONS

SELECT COMMITTEE ON ETHICS

LABOR AND HUMAN RESOURCES

# United States Senate

WASHINGTON, DC 20510-2003

August 16, 1994

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HART SENATE OFFICE BUILDING

WASHINGTON, DC 20510-2003

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92-77  
4082

Ms. Lauren J. Belzin  
Acting Director, Office of Legislative Affairs  
Federal Communications Commission  
Room 808  
1919 M Street, N.W.  
Washington, DC 20554

Dear Ms. Belzin:

I am writing on behalf of Sheriff Charles F. Mades of the Washington County Detention Center in Maryland.

Sheriff Mades has sent me a copy of the letter he wrote to Chairman Reed Hundt opposing the application of Billed Party Preference (BPP) at inmate facilities. I have referred his letter to you along with my request for a response to my constituent's concern. Please send a response to me and information about BPP as soon as possible.

Thank you for your attention to this matter.

Sincerely,



Barbara A. Mikulski  
United States Senator

BAM:mhr/kmb



**Office of the Sheriff:**  
**WASHINGTON COUNTY**

500 Western Maryland Parkway  
Hagerstown, Maryland 21740-5199

Telephone: (301) 791-3300

Patrol Services: (301) 791-3020

Detention Center: (301) 791-3300

FAX: (301) 791-3349

TDD/Hearing Impaired: 791-3024

TDD/Hearing Impaired: 791-3337

Sheriff  
Charles F. Mades



July 22, 1994

The Honorable Reed E. Hundt, Chairman  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

Re: CC Docket No. 92-77 Opposition to Billed Party Preference

Dear Chairman Hundt:

We are opposed to the application of Billed Party Preference (BPP) at inmate facilities.

We have analyzed the security and administration needs at our facility and have found it to be necessary to route inmate calls from our facility to a single carrier that is equipped to handle inmate calls and with whom we have a contractual relationship. We cannot allow inmates to have open access to the telecommunications network and the freedom to use any carrier they please. BPP will take away our right to coordinate inmates calls through a carrier we know and trust. Instead, inmate calls will be routed to a number of different carriers, none of whom will have any obligation to us, and few that will be trained to handle inmate calls.

We have also found it necessary to install phone equipment that is specifically designed for inmate calls. This equipment helps prevent fraud, abusive calls, and other criminal activity over the telephone network. Given the constant budgetary constraints that we are under, we cannot afford to provide this equipment without the help of inmate phone service providers. BPP would allow also eliminate the revenue stream that finances our inmate phones. If BPP is applied to inmate facilities, there will be no way for us to finance these phones, nor will there be inmate phone service providers to assist us. Without inmate phones, the morale of our inmates will be devastated. The resulting increase in tension will make it more difficult for our staff to manage inmates.

Furthermore, we are sensitive to the rates inmate families pay for calls. We fully appreciate the FCC's concern if some Sheriffs do not take responsibility for protecting inmate families from abusive rates. We do not agree with the FCC that the solution for this lack of responsibility is BPP. The proper and more effective action would be to adopt rate ceilings on inmate calls and then let Sheriffs enforce these rate ceilings through their contracts. Indeed we believe the overwhelming majority of Sheriffs are committed to requiring rates that are fair and reasonable.



RECYCLED PAPER

In short, BPP would take away our ability to employ important security and administrative measures that we have found to be necessary at our facility, ultimately reducing inmate phone availability, which in turn decreases the efficiency of our staff. We urge you to not adopt regulations that interfere with our administrative and security decisions -- decisions that are clearly within our discretion and which we have a public responsibility to make.

Respectfully submitted,

Sheiff Charles F. Moore  
Name / Title

Washington County Detention Center  
Name of Correctional Facility  
500 Western Maryland Parkway  
Hagerstown, Maryland 21740  
Address